IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5132 OF 2005

Shri.Lobsang Dondup ..Applicant

Vs.

Ramprasad Rudrapal Yadav & Anr. ..Respondents

...

Mr.Balasaheb Bandal i/b A.R.More Advocate for Applicant
Mr.Vilas Tapkir for Respondent no.1
Mr.S.R.Borulkar A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : AUGUST 22,2005

P.C.

1. Heard the learned advocate for the applicant, the learned advocate for respondent no.1 and the learned A.P.P. for the State.

2. The applicant is seeking quashing of proceedings relating to C.C.No. 173/PS/2004 which is pending before the learned C.M.M... 37th Court, Esplanade, Mumbai. The said proceedings arise out

of F.I.R./C.R. No.29 of 2005 dated 28.1.2005 registered with Colaba Police Station. The said case is under Sections 427, 279 and 337 of IPC.

3. The learned advocate for the complainant has stated that the complainant and the accused i.e. applicant has settled the matter amicably among themselves. The complainant has absolutely no grievance against the applicant and he does not wish to proceed further with the proceedings relating to the said case. He has also tendered an affidavit of the complainant which states that the very same fact. The said affidavit is taken on record.

4. Looking to the fact that the complainant and the accused have amicably settled the dispute among themselves and looking to the fact that the complainant does not wish to pursue his complaint, I am of the opinion that no purpose would be achieved by continuing with the prosecution of the said case. Hence, in order to maintain peace and amicable relations between the parties and in the interest of justice the proceedings relating to

C.C.No. 173/PS/2004 pending before the learned Metropolitan Magistrate 37th Court at Esplanade, Mumbai, arising out of FIR/CR No.29 of 2005 dated 28.1.2005 registered at Colaba Police Station, Mumbai are quashed.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]